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BISHOP HOADLY'S
REFUTATION

OF
BISHOP SHERLOCK'S ARGUMENTS

AGAINST A REPEAL OF THE
TEST AND CORPORATION ACTS:

WHEREIN THE
JUSTICE AND REASONABLENESS OF SUCH A
REPEAL ARE CLEARLY EVINCED.

L O N D O N:

Printed for CHARLES DILLY, in the Poultry.

MDCCCLXXXVII.

[Price 1s. 6d.]

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Price 6s

TO THE RIGHT HONOURABLE
WILLIAM PITT,

CHANCELLOR OF HIS MAJESTY'S
 EXCHEQUER, &c.

S I R,

THE Author of the Tract, which I now take the liberty of introducing to your notice, was justly celebrated in his own time, for his great abilities, and his employment of those abilities in support of the best interests of his country. He was a firm friend to the Protestant succession in the House of Hanover, and his uncommon merit procured him the most flattering marks of parliamentary approbation. The great council of the nation publicly testified, in his own time, their sense of the value of his writings; and they are equally entitled to the attention of the ablest statesmen of the present age. I need, therefore, make no apology for recommending the fol-

lowing Piece to your perusal. The sentiments of Bishop Hoadly are founded on justice, truth, and reason; and are worthy to be addressed to the First Minister of a great and enlightened nation.

A Repeal of the Test and Corporation Acts would be a wise, just, and patriotic measure; and, therefore, if a bill for this purpose be brought into Parliament, it will have a natural claim to support from your eloquence and distinguished talents.

I am,

SIR,

Your most obedient, and

Most humble servant,

THE EDITOR.

P R E F A C E.

BISHOP SHERLOCK'S Arguments against a Repeal of the Test and Corporation Acts having lately been reprinted, in opposition to ' the Case of the Protestant Dissenters, with reference to the Test and Corporation Acts,' it has, therefore, been thought proper to reprint Bishop HOADLY'S Arguments for a Repeal of those Acts. In an advertisement prefixed to the republication of Bishop Sherlock's piece, it is remarked, that ' it may be written against, but it cannot be answered : ' and no notice whatever is taken in that publication of Bishop Hoadly's performance. Those, however, who will impartially peruse the Reply of this able and learned Prelate to Sherlock's book, will be convinced, that the latter has not only been *written against*, but clearly *refuted*. Bishop Hoadly's piece, which was published in 1719, is entitled, ' The Common Rights of Subjects defended, and the Nature of the Sacramental Test considered; in answer to the Dean of Chichester's

• Vindication of the Corporation and Test Acts.' But as this treatise consists of more than three hundred pages, it was thought necessary to contract it, and to reduce his arguments within a narrower compass. This has, therefore, been done in the present publication; and some considerable alterations have also been made with respect to language and arrangement.

Bishop SHERLOCK's 'Vindication of the Corporation and Test Acts,' is written with much plausibility and dexterity, but with little sound argument. It abounds with fallacious reasonings, and gross misrepresentations. Bishop SHERLOCK was, indeed, in many respects, a very able, ingenious, and learned Prelate; but his notions relative to the Dissenters were contracted and illiberal, and his manner of writing concerning them was disingenuous and artful. The principles that he laid down, in order to guard the Church against the Dissenters, were such as would justify every species of ecclesiastical tyranny; and many of his positions are totally inconsistent with Protestant principles, and unworthy of a Christian Bishop.

Bishop Hoadley, on the contrary, though an ornament to the Church of England, and attached

attached to its real interests, was also attached to the common rights of mankind ; and he knew, that the Church of England could derive no real honour from claims that were founded upon oppression and injustice. He knew, that the Protestant Dissenters were firm friends to the Protestant succession in the House of Hanover, and to the civil rights of the community ; and that it was unjust to render men incapable of serving their country, merely for some differences of opinion on controverted questions of theology. He, therefore, defended the cause of the Dissenters, with a zeal and liberality that did honour to his character : and the following piece is well adapted to convince every impartial man, that a Repeal of the Test and Corporation Acts is a measure founded upon reason, justice, and sound policy.

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 author in 1791, and is published with
 order to guard the Church against the
 errors of the Dissenters, who are now
 seeking to show that they are
 entitled to the same rights as the
 Dissenters, and to the same
 of his position are entirely inconsistent with
 Protestant principles, and authority of a
 Christian Bishop.

By the Hon. Henry, on the contrary, though
 an ornament to the Church of England, and
 attached to the

BISHOP HOADLY'S
REFUTATION,

CC. CC. CC.

THE design of Dean Sherlock's book¹ is to defend the exclusion of men from their acknowledged civil rights, upon the account of their differences in religion, or in the circumstances of religion; and of making the sacrament of the Lord's Supper, instituted by our Lord for the remembrance of himself, the instrument of this exclusion, by a new human institution. And in the course of his work the Dean is repeatedly careful to observe, that, in vindicating the Test and Corporation Acts, he endeavours to justify the legislature, and to justify the laws of his country, which he represents me as arraigning and condemning. I beg leave, therefore, here to tell him, once for all, that there was a time when the laws of this

¹ When Dr. Sherlock published his Vindication of the Corporation and Test Acts, which was in the year 1718, he was Dean of Chichester. Bishop Hoadly, therefore, in his Answer to him, generally styles him *the Dean*. Dr. Sherlock was made bishop of Bangor in 1728. In 1734 he was removed to the see of Salisbury, and was translated to the see of London in 1748.

country were on the side of a Popish establishment; and that the writing on the side of any law, as such, is not a thing greatly to be boasted of; and that the whole of the question is, Whether the laws we defend be good and just, equitable and righteous; and not, whether they be the laws of the land, or not? I shall also observe, that it is, so far from being a crime, or an affront to any legislature, to endeavour to shew the evil consequences, or inequitable-ness, of any law now in being, that all law-makers, who act upon principles of public justice and honour, cannot but esteem it an advantage to have such points laid before them: and as to myself, I shall ever, I hope, esteem it as great an honour to contend against debasing any of Christ's institutions into political engines, as others can do to plead on the side of an act of parliament. And I shall add farther, that I enter into this cause, both as a Christian, and, I trust, as one truly concerned for the public good of the society to which I belong; considering it, not as the cause of any particular body of men, or any particular sort of Christians, distinct from others; but as the cause of all men equally, and of all sorts of Christians, who, in several places, and at several times, have an equal interest in it.

Dean Sherlock introduces his arguments against the repeal of the Test and Corporation Acts by observing, that 'the laws relating to this subject have not been distinctly considered by the writers upon it. They seem to argue merely upon popular mistakes; and (as it serves their purpose best) sometimes call the sacrament

‘ sacrament the test, and sometimes the qualification for an office; whereas it cannot be both, because there is a real distinction between the test and the thing to be testified by it; it is, therefore, necessary to shew the true design and intent of the legislature in requiring the sacramental test.’ He afterwards endeavours to prove, that the design of the legislature, in the Test and Corporation Acts, was to exclude Nonconformists, of all kinds, from all offices civil and military. ‘ These acts, says he, ‘ being made for the security of the church, as by law established, i. e. for the security of the ecclesiastical constitution of the realm, the intention plainly was to keep Nonconformists of all sorts—out of offices civil and military, &c.’ And this he represents as a result of a resolution of the ‘ legislature, that ‘ places of power and trust should be in the ‘ hands of such only as were well affected to the ‘ ecclesiastical constitution:’ and he remarks, ‘ that affection for the established government ‘ includes a concern for the public peace both ‘ of church and state.’

The several mistakes in these few lines are very visible. 1. When the Corporation Act was made, many of those ministers who afterwards dissented were in possession of their livings, and had been declared by King Charles II. himself, but a few months before, to have been found by him, when they waited on him in Holland, persons full of zeal for the peace of the church and state. Those particular Nonconformists, who were followers of these men, could hardly be designed so soon to be excluded

from any offices, merely in order to the preservation of the public peace, &c. 2. The Test Act was particularly and peculiarly levelled at Papists, and not at Nonconformists in general, nor at all at Protestant Dissenters, against whom now the Dean so strenuously urges it. It was not, in the original design of it, a law for the particular security of the Church of England, as such, or of the ecclesiastical constitution of the realm, as he is pleased here to affirm it to be, but for the security of the state, and of the whole Protestant cause, against Papists alone, as he himself, in effect, afterwards owns. 3. The exclusion of Nonconformists of all sorts was not therefore the certain intention of either of these acts; and undoubtedly not of the latter. 4. There could be no such resolution in the legislature, as the Dean mentions; because receiving the communion according to the usage of the Church of England, is so far from implying in it, that he who so receives it is well affected to the ecclesiastical constitution of the realm, that it is perfectly consistent with the person's not so much as knowing one individual branch of that constitution, unless it be the office and manner of the celebration of the communion. 5. A true and real concern for the peace of church and state does not always imply in it so much as a conformity in any one act of communion with the church which happens to be established in any country; or, in the Dean's phrase, to be the ecclesiastical constitution of any realm. The good and honest Reformers were, I presume, as truly concerned for the public peace both of church and state in Queen Mary's days, as any of those Papists

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who constantly conformed to her church. And yet they totally and openly separated from it. They were Nonconformists, and yet had a true and sincere concern for the peace of church and state. This I only mention to shew, that nonconformity to a church established by human laws cannot be in itself a certain sign to Christians of any want of a due concern for the peace of church and state; and, therefore, that the before-mentioned words, relating to the preservation of the public peace, cannot prove this intended exclusion of Nonconformists of all sorts and of all tempers.

Dr. Sherlock endeavours to shew, that receiving the sacrament, according to the usage of the church of England, is not the *qualification* for an office, within the intent of the act, but only the *proof* of such qualification; the qualification required (he says) being, that the person be well affected to the ecclesiastical state and constitution of these realms; and the receiving the sacrament, according to the rites of the established church, is the proof or test required that he is so^b.

The Dean has strengthened this statement with two suppositions, which he here makes for our legislators: as indeed his whole argument is founded upon multitudes of supposals, in a case of law, in which only plain words and plain expressions ought to be regarded. The first is, that 'every Christian is supposed to receive the sacrament somewhere': whereas it

^b Bishop Sherlock's Arguments, p. 5, 6. edit. 1787.

^c P. 6.

is manifest to the eyes of the world, that multitudes of professed Christians and professed Church-men too, never have thought of doing it, but upon occasion of offices ; and that, therefore, it is not fit to make the legislature to suppose things absolutely and notoriously false. Besides, granting that the legislature did suppose it, this would not at all hinder the truth of the observation, that when they require, for every new office, that a man shall receive the sacrament, let it be in what manner it will, the receiving the sacrament is the test, as well as the manner of doing it.

The other point, which he puts upon the legislature, is, That ' it was supposed that no man would in such manner receive it, but a member of the church of England ' : whereas, this could not be supposed ; because the contrary was known, as a thing open and notorious, that many men would in such manner receive it, who were not Members of the church of England. Excellent suppositions, to build important facts upon ! and excellent representations of the wisdom and sagacity of our legislators ! and thus have we, first, facts, so stated, as to stand in need of invented suppositions ! and then, suppositions invented, for the support of facts which cannot stand without them.

Receiving the sacrament according to the usage of the Church of England could be no proof of any man's ' affection to the ecclesiastical constitution of this kingdom,' because the

real inward disposition cannot possibly, by any human law, be made a qualification for any office. It must, therefore, be absurd, to talk of making an affection for the ecclesiastical constitution the qualification. That this inward affection is not the qualification required by the act is manifest, because a person receiving the communion according to the usage of the Church of England, performing only the outward act just as others perform it, is unexceptionably qualified according to law; and equally, whether he be a friend, or a professed enemy, to our ecclesiastical constitution; nay, whether he be a professed Atheist, or Deist, or a sincere Christian.

That the legislature could not consider receiving the sacrament, according to the usage of the Church of England, as implying an approbation of our whole ecclesiastical constitution, is evident, because it was well known, when the Test Act was passed, that there were many Nonconformists who could, with a safe conscience, and according to the avowed principles and practice of themselves, and their most celebrated teachers, comply in this particular, and receive the communion according to the usage of the Church of England. The Dean of Chichester very well knows, that Mr. Baxter and Dr. Bates frequented our communions; and without doubt sincerely, because they had nothing but their own persuasion to carry them thither; and yet he knows, this sincerity in communicating with our church, was so far from implying a sincere affection to our ecclesiastical constitution, that it was consistent with a stated Nonconformity, and a hearty zeal in it. This being well known

to the legislature, at the time when the Test Act was passed, it could not be considered by them as well adapted for the complete exclusion of Protestant Dissenters. But the fact was, that receiving the communion, according to our manner, was regarded at that time as the most effectual test for the exclusion of Papists: not, as Dr. Sherlock supposes, as the most probable evidence that the man was sincerely well affected to the established church, or to our whole ecclesiastical constitution; but as a proof that the man was not a Papist: because such a liberty was never known to be indulged to them, by their ecclesiastical superiors, as this of communicating with us, whom their head, and their leaders, declare not to be a Christian church. Receiving the sacrament, according to the usage of the Church of England, was required as an outward practice which the Popish recusants did not, and were not allowed to perform; and upon that account only was in this respect proper, that it would effectually discover who were, and who were not, the persons against whom this act was truly designed to guard.

Dr. Sherlock says, that ‘Receiving the sacrament was never esteemed a qualification “in our law.”’ But I cannot but consider that as the legal qualification for an office, without which the law declares all other qualifications shall signify nothing; and, by virtue of which any person, who externally fulfils this law, shall certainly and legally possess his post: though he has not any one of those inward qua-

fications, of which the Dean makes this only the sign or mark. I deal not here in imaginations of what is supposed in our laws; which they lay it upon no person to judge of, or at all to concern himself with. And if this be a mistake in me, it is a mistake common to all about me; it having now obtained in the current language amongst the gentlemen of the law, as well as others; with whom a person's receiving the sacrament, in pursuance of this act, and qualifying himself for an office, are so promiscuously used, that when the question is asked, whether any person has qualified himself? every body understands it to be asked, whether he has received the sacrament?

After having given what he calls a state of the case, and made sundry preliminary observations, Dr. Sherlock states the two following questions, upon which, he conceives, the whole of this cause depends:

I. The first is, * Whether it be lawful to confine offices of power and trust in the government to such as are obedient and well-affected to the ecclesiastical state and constitution of the realm?

II. * Supposing this to be lawful, whether it be also lawful to require of any man, who is willing to accept an office civil and military, that he should communicate with the established church, and particularly, that he should receive the sacrament according to the usage of it, in order to prove such his obedience and

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good affection to the ecclesiastical constitution?

These are the two cases which, he says, arise from the true state of the case, as laid down by him. But the fact is, that his statement of the case is extremely erroneous, as appears from what has been already advanced. And, indeed, receiving the sacrament according to the usage of the Church of England is no proof, as he supposes, and in the Test Act was never designed as any proof, of any inward affection for the established church, or so much as of a constant conformity to the church; nor does it even imply that a man so much as knows what the ecclesiastical constitution of the realm is.

In discussing the first question, and in endeavouring to prove that it is lawful, in some cases, to make laws, by which some persons shall be rendered incapable of offices (which I do not controvert), he begins with talking of incapacities which regard the state, the commonwealth, the civil government, the want of the love of one's country, disaffection to the public, and the like: and from the lawfulness of esteeming such dispositions to be incapacities, he leads the reader to think that even a less degree of affection to one particular church, or way of religious worship, is that disaffection to the public, and that want of love to one's country, which is justly argued from hence to be an allowable and plain incapacity. About the former of these we are agreed. But does it at all follow, that, because those particular persons, who are declared enemies to the state,

to the civil state and civil government of a nation, are incapable of holding offices in it, and justly treated as such by their governors; that therefore a body of men, perfectly well affected to the civil state, and zealous for a civil government, which has been settled many years, may as justly be excluded in the gross, because they are not so well affected to one particular church, which happens to be the ecclesiastical constitution of the same country?

If these principles, which he has begun with, tend at all to his conclusion; then it must be maintained, that the church of any country is the civil constitution of that country, and that a disaffection to that is the same ground of exclusion as a disaffection to the state commonly so called, which the Dean has never yet attempted to prove. This will be a great honour to Christian, apostolical churches, and be full of such consequences as must of necessity make it equally just and right, in some parts of the world, to exclude the lovers of the best church in being, as in other parts of it, to exclude those who happen to like a worse church better.

These principles must, of necessity, justify all the most bitter persecutions in the world, only calling the established religion, or church of any country, by the happy name of the ecclesiastical constitution of that realm, which all national religions equally are, or may be; and then arguing and talking about it, just as a civil constitution, and supposing all oppression and cruelty to be self-defence, which it all is in this case, as much as exclusion from offices.

And, indeed, I am of opinion, that difference in church matters, as such, is no ground of such restraint in what is the common right of civil subjects, considered as civil subjects; and that they, who have a part in that common right, have a right to plead it in favour of themselves. The Dean may, if he pleases, call this contention for a share in what is the common right of mankind by the hard names of avarice and lust of power^r. But then he must bear to be told, that he does so only because he is uppermost, and has no occasion for such a plea; and that if he were amongst the undermost, he would have spirit and sense enough to be one of the first to feel and speak such grounds of complaint. He would not then fear, I am persuaded, to put the greatest writer, who should talk in this style, in mind, that there is no end of such reproaches: nor would he spare to shew his adversaries, that there is nothing easier than to retort them, by telling them to their face, that the exclusion of their fellow-citizens from offices, and the confinement of all to themselves and their own party, is a much more flagrant instance of avarice and lust of power.

The Dean says, that 'they, who in any nation have the legislative power entrusted with them, are bound to take care of the welfare and preservation of the community over which they are placed'. Now I profess, that I cannot see, whither this will tend, in the present argument. By the community, I used to understand the whole body politic, whose civil interest is

one and the same. But I suppose, it must be now confined to the members only of one church : or else I cannot see what place it has here, in order to prove, that the legislature has a right to exclude from civil offices, all the members of other churches, though never so zealous for the common civil interest of the whole community. For, if the members of this one church do not make up the whole community ; it will follow from this maxim, that equal care is to be taken by the legislature of every part and every member of this community. And if so, the Dean's cause is totally indefensible.

He also says, that ' men ought not to be ' punished for any offence against the public, ' without plain proof that they have offend- ' ed.' I am here as much at a loss to find out what tendency this likewise has, unless to destroy the Dean's main purpose. For as a dissent from any particular church, though established, is no offence against the public ; as it was well known by Protestants when they dissented from the established Popish Church : so an exclusion from all civil offices, upon account of such dissent, is a punishment, as it has been too well felt to be, by Protestants, both here and in other countries. And as a punishment inflicted upon some now, for the sake of what others did multitudes of years ago, is truly a punishment without proof of any offence of their own, the Dean's argument, undoubtedly, makes against himself.

So But the Dean proceeds farther to observe, that 'all governments have a right to provide against probable dangers to the state: in consequence of which they have a right to provide that all power in the state shall be lodged in such hands only, as they reasonably judge to be well affected.' ¹ Here we have again the words government and state: which can be of no service to the Dean in his cause; unless he be resolved that the church, which happens to be settled in any country, shall be the state, and the civil government, and the whole community of that country. ² Indeed, if I were reading this sentence, independently upon the argument which it is designed to introduce, I should not doubt, but that it was a professed and designed argument for employing equally, in places of power and trust, all persons equally well affected to the civil government; and for employing, more than others, those of all sorts, who have given most proofs of their affection to a present civil government, whatever their sentiments in religion be. To this I am sure it tends, and this is the natural and unavoidable consequence of it: unless the Dean can prove that the church is the state, and ought to be considered as such.

Dr. Sherlock having, as he conceives, established the positions which have been lately mentioned, proceeds to their application to the case in debate. 'The right of the state,' says he, 'to limit the subjects capacity of holding places of power and trust being supposed; it

* still remains to be considered, whether they
 * had sufficient reason for what they did in the
 * case before us^k. Would not any one imagine,
 that the way had been now prepared by principles,
 which might have a close respect, in their
 consequences, to the sequel of the argument?
 And yet, if we look back, we shall not find
 any thing more done, in express words, but the
 general right of the state to take care of the
 community, and to exclude out of offices ill-
 affected persons; and to lodge power in the
 hands of those only, who are well-affected to the
 public; and the like. Whereas, in the present
 cause, the preliminaries which ought to have
 been proved, are such as these, viz. That the
 state has a power to limit this capacity, on ac-
 counts merely religious: that the civil govern-
 ment need not have equal regard to the whole
 community: that the legislature may justly ex-
 clude those from offices, who are truly in the
 interest of the state, merely because they are
 not so well affected to any church established:
 that law-makers may justly debar from serving
 their country, those who are well affected to the
 public, for want of an affection to the prevailing
 forms of religion, under the notion and name of
 the ecclesiastical constitution of a realm, and the
 like. Dr. Sherlock knew to how many incon-
 veniences of speech and argument these prin-
 ciples, expressly maintained, would lead a Chris-
 tian writer, and to how many self-contradictions
 they would lead him in particular; too gross to
 be palliated with all his skill; and, therefore, he
 wisely supposes them to be included in what he

* P. 23.

has been saying. He wraps up the church in the state-mantle: he makes it a constitution of a realm: and so, confounding it with the civil state, orders the principles of civil government (which belong entirely and only to civil government) to serve the purposes of a Christian church: and this, with such dexterity of hand, and such address of his pen, that the unwary reader does not so much as know where he is, whilst it is transacting; and little imagines, that the application of principles, in which the very word religion, or church, and every other word relating to them, is avoided, can possibly be the sole premises of such conclusions as follow. But thus it is: for the Dean, immediately after laying down these principles, comes to consider—
 * Whether the state had sufficient reason for
 * what they (he means, our legislators) did in
 * the case before us.

In order to clear the affirmative side of this question, he gives us a little piece of history from the Reformation here in England to our own times, in which there are several very remarkable passages; though hardly any thing more remarkable than this, that a Christian divine, professing to write upon this occasion, merely because the gospel and Christianity were brought into the dispute, should not have thought it worth his while to have gone back farther, and have shewn the excellent influence of his general principles upon Christians and Christianity, when the power of making and executing laws was universally in the hands of heathens.

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He observes, at the entrance of his story, that the government of England is in the hands of Christians; and so far, he hopes, there is no fault. 1. I will add, if he pleases, that so is the government of Scotland, of France, of Spain, &c. And the Nonconformists, in all these, must feel the happy influence of his principles whether he will or no. Nay, 2. I will add, that it is of no importance to his cause whether the government be in the hands of professed Christians or not; and that, if it were in the hands of Heathens, his principles would give the same right to them against Christians, as they do to Christians against one another. And, 3. I will be so free as to observe, that the point of concern to any nation is not so much, whether the government be in the hands of professed Christians, as whether those professed Christians, who have it in their hands, behave themselves like Christians, in their making and executing only such laws as are consistent with moral justice and Christian charity.

The Dean goes on, 'When they, in whom this power was lodged (that is, the power of government in England) found it necessary to forsake the errors of the Church of Rome, and to throw off the heavy yoke of popish power, under which they had been long oppressed; they saw at the same time that religion could not be preserved without some settled order and discipline. And though the reformation claimed the use of the scriptures, as the undoubted right of every Christian who was capable of using them, yet they had sense enough to know, that to leave every man to

' make the best of his Bible, without any farther direction or restraint, would naturally tend to confusion, and fill the kingdom with all the wild conceits that ignorance and enthusiasm could produce.'

It is surely somewhat extraordinary, in a Protestant country, to hear a learned and celebrated divine maintain publicly, that there are some Christians who have no right to the use of the scriptures; or, which is all one, who may justly be restrained, in the use of this right, by the laws of men. If we are at length come to this, the next question will be, how much this differs from the proceedings in those Popish countries, where this use of the scripture is denied to all the people, because all are incapable; or in those, where it is restrained to some, because they are judged capable by their leaders, and denied to others, because they are judged incapable?

Indeed, Dr. Sherlock's ideas on this subject, seem exactly conformable to the custom in some Popish countries. There is a licence for some of the laity, after strict examination and good assurances, by which they are empowered legally to read the scriptures: whilst others are debarred from it, who are likely to make any use of it, to the disadvantage of the present possessors of power. And thus they likewise, as well as the Dean, allow the use of the scriptures, as the right of every Christian capable of using them. But then, they claim to themselves the right of judging who are capable.

P. 32.

When

When Dr. Sherlock declares, in the passage before quoted, that those who were in possession of the powers of government, at the period of the Reformation, ' had sense enough to know, ' that to leave every man to make the best of ' his Bible, without any farther direction or restraint, would naturally tend to confusion,' he does in effect affirm, as he is speaking of civil restraints, and of such restraints as are established by the authority of parliament, that it is the glory of our legislators, to have provided, that every man shall not be left to make the best of his bible; and to have established, not only directions, but restraints, to this purpose: for he says, this was in order to prevent all the wild conceits, which properly belong to religion, and not to civil government. Now, if it be the glory of a Church of England legislature to provide that Christians shall not be left, in religious matters, to make the best of their bibles; then it must be the glory of a Popish legislature to do the same, in other countries; and of a Presbyterian legislature, in others. With the former, the Protestantism of a Church of England man is one of those wild conceits, which come from the unrestrained use of the scriptures: and with the latter, the government by episcopacy, if it be held necessary, is esteemed a wild conceit. If so, are they not all alike in this respect? and their glory the same disgrace and infamy to all that can be called Christian freedom?

If the leaving every man freely, and without restraint, to make the best of his bible, be such an unspeakable unhappiness, because of the wild conceits coming from ignorance, &c; for

God's sake, why was the world disturbed with a reformation at all: which would indeed have been only the dream or image of a reformation, without claiming this universal right of Christians, to all Christians equally? If this be such a terrible consequence, as to justify human restraints, why was the Popish restraint disturbed, which would have prevented this mischief more effectually, if restraints could do it? Shall we still go on to mock mankind, and tell them, that a Popish restraint is indeed bad, but that a Protestant restraint is very good and useful: that the Christian people have a right against any restraint, but what we ourselves lay upon them: that the Papists cannot judge who of the laity are capable of the use of the scriptures, and who not; but that we can: and the like? It is time, methinks, to leave off such partiality to ourselves, in the case of religion; and such insults upon our brethren: lest the meanest and most ignorant of them, by degrees, should come to see that we speak as if Popish restraints had been removed, for our own sakes only, and not for theirs.

That the free and unrestrained use of the scriptures, in the hands of every Christian, is not the thing which naturally produces wild conceits, is evident from all those wild conceits which are produced for want of this, by ignorance and enthusiasm, in those countries where this use is denied to the laity; and in the very centre of Popery itself. How many are the monsters of enthusiasm and ignorance, amongst the mystical writers of that church, which locks up the scripture from the people? and how are the

the various inconsistent mysteries and tenets of the several orders in it, all maintained and kept alive, for want of granting this free use of the scripture to all the laity? The wildest conceits in the world, are where there is most restraint: and, therefore, it cannot be, that the free use of the scripture should naturally produce, what is, in the most enormous degree, produced where it is not.

If any one, through a misunderstanding of scripture, falls into wild conceits; it lies between his own conscience and that God, the judge of the world, who gave him this right, notwithstanding the possibility or probability of his being mistaken in the use of it. We cannot justify the taking away, or restraining, a right by human laws, which belongs to men by a divine law, as to creatures capable of religion; under which consideration no human laws can have a proper authority over them. We may, with more justice and equity, restrain men from making the best of their eyesight, or of their common prudence in worldly affairs; than from making the best of that law, which God has proposed to all, who have it in their power to hear of it.

Dr. Sherlock says, that those in whose hands the government of England was vested, at the time of the Reformation, considered, that 'it was the will of Christ, that there should be a visible church; and though they had withdrawn from the Church of Rome, as being corrupt, yet they were obliged to visible communion: for these reasons they continued the national church, freed from the errors and the corruptions

‘corruptions of Rome, under a government and discipline formed upon the platform of primitive Christianity. This church was established by law.’ But as to a visible church, and the establishment of it by law, it is evident beyond all contradiction, that human laws neither can make, nor unmake, the visibility of a Christian church. It is plain from experience, that there was a visible Christian church near three hundred years before there could be a national church, established by human laws.

The Dean’s way of arguing here, therefore, does no honour to our law-makers, or to our establishment: for a visible church there may be, and has been, not only without, but against, ‘the laws of the powers of this world.’ Therefore, our civil governors must know, that this could be no reason for the establishment of a church by human laws; because without such establishment the church is and must be visible.

But, as the Dean has laid down his reasons, it stands thus:

‘Our civil governors considered, that it was the will of Christ that there should be a visible church. And, therefore, in great wisdom, thought fit to take a method, without which his church was visible for about three hundred years, and without which it would be still as visible as it can be with it. That is, in order to a visible church, they did that which has no relation to the visibility of it.’

P. 23, 24.

Having given the above account of the establishment of the national church, Dr. Sherlock says, 'the people of England were bound to communion with it, as Christian subjects; so bound, I mean, that nothing but a persuasion of errors and corruptions in the church could excuse a separation from it.' Hence it appears, that even the Dean himself is of opinion, that those who are persuaded that there are errors and corruptions in the Church of England are justifiable in separating themselves from it. But he afterwards says, 'Upon these principles the reformation here proceeded; the crown and people found it necessary to reject the Papal power, together with the corruptions of the Romish Church; but they found it necessary too to preserve an authority in church matters, and to settle an ecclesiastical government even for the better reformation of religion. Some, indeed, there were in the early ages of the Reformation, who pleaded for *Christian liberty* in such a manner, as to leave no room for *Christian discipline*; but these made no great figure, and were esteemed then as mere *fanatics*. Had they who conducted the Reformation, set out upon these prejudices (for I desire to be excused from calling them principles), by this time I verily believe Christianity itself had been lost among us; and *the supremacy vested in every man, in his own behalf*, had long since established a consummate stupidity and ignorance; but who would have been the happier for it, I profess myself at a loss to imagine.'

The *supremacy* vested in every man, in his own behalf, at which Dr. Sherlock takes so much offence, is nothing but the right which every man has to judge for himself in the affairs of conscience and eternal salvation; a right not to be prejudiced by the claims of power and authority in any men upon earth. And how can the exercise of this right have any tendency towards establishing 'a consummate stupidity and ignorance,' or towards the destroying Christianity itself among us? The exercise of this right supposes enquiry, thoughtfulness, comparing of things together, studying the New Testament, endeavouring to find out the will of God, and the laws of Christ, and all the like dispositions and habitudes. And are these the methods by which ignorance and stupidity ever did, or ever could in time past, or ever can in time to come, get ground and plant themselves in the world? Is enquiry or consideration the way to stupidity and ignorance? or, is the Christian religion so little able to stand the test of all honest enquirers, as to be in danger of being lost from among us, merely by a right in every man to judge of the truth of it? God forbid!

I would entreat the Dean to consider how Christianity itself was planted; and how that true knowledge, which is opposed to stupidity and ignorance in religious matters, came first into the world. Did not our Saviour call upon every man to examine his pretensions; and venture it to every man's own choice, whether he would be a Christian or no? Did not his apostles first commend those who would not be led by authority, but searched the scriptures, in order

to be Christians upon good grounds; and afterwards, exhort those, who were already Christians, to try all things themselves? Was not this the method by which the truth of the gospel, and the knowledge of the will of God, were first propagated? Were there any restraints spoken of, to those of Berea, who made the best of their Bible; and were highly applauded for it? and can the same method, which alone was thought proper to plant Christianity in the world, be the way to destroy it from amongst men?

At the time of the Reformation, the Christian world was sunk universally, clergy as well as laity, into consummate stupidity and ignorance, not only as to what is called literature, but as to what is true Christianity. I beg it may be considered, first, by what methods this miserable state of things was brought to such a pitch: and then, by what methods it was in so great measure cured by the Reformation. The answer is in one word this, that the cause, which was seen naturally to effect those evils, was the very contrary to what the Dean here would lay them upon. It was solely the taking away this right of judging from Christians; this supremacy, which Christ vested in every Christian, in his own behalf: and lodging this supremacy in one man, or in a council of men, over others. This made all enquiries useless and dangerous. Terrors and restraints were added: and neither clergy nor laity were allowed to make the best of their Bible. Hence came in necessarily a neglect of a matter so hazardous and ruinous, as study and consideration: and from hence, by

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degrees,

degrees, an inundation of stupidity and ignorance. How, indeed, could it be otherwise? when, take away this right, or enact penalties upon the exercise of it, and then the direct road to preferment, as well as to quiet, must be by a profound submission, a consummate stupidity, and a resolute ignorance: or else, by a binding all these upon others, as the perfections of a Christian, the parents of all devotion, and of all good.

But when the evil of all this came to be not only seen, but felt, to an intolerable degree; how was it cured? not by preaching up the right of some to judge for others in religion; not by pronouncing the necessity of restraints in the case of the use of the scriptures; not by destroying the supremacy vested in every Christian in his own behalf: but by calling upon all equally to search the scriptures; by teaching them, that their own persuasions would justify their choice of church-communion, which they had a right to determine for themselves; that Christ had called them to this true Christian liberty, and had vested in every one of his followers this supremacy, which resulted from their right to follow their own consciences in religion; and which it was their duty to exercise. It was this, and this alone, which let the beams of divine light into that infernal prison of darkness, stupidity, and ignorance, which had enfeebled the eye-sight, and enslaved the hearts, of mankind so long. It was this, which revived Christianity, as it were, from the dead, by sending all to the fountain and original: and it was this alone, which planted and increased true knowledge

knowledge and freedom, instead of the blackness of darkness, and the chains of slavery. If any methods have been since made use of, contrary to these maxims, and inconsistent with these foundations, any restraints laid upon this Christian liberty, any discouragements to the freedom of enquiry, and judgment of Christians, I am sorry for it. There is just so much given back to the cause of ignorance, and all its consequences, which must of necessity gain life, and recover strength, just in proportion to the discouraging universal enquiry, and the private judgment of Christians, in order to determine their own conduct in religion.

Dr. Sherlock says, 'that the Protestant Church of England has enjoyed but little peace from its first establishment'; and he attributes this want of peace, in part, to those who fled from England in the reign of Queen Mary, 'and brought back those notions which have given this church and nation so much trouble ever since. These,' he says, 'were one great occasion of the disturbance in Queen Elizabeth's reign.—Under the management of James I. the disaffection to the established church grew strong; and in the days of his unfortunate son, a prince who deserved a better fate, it prevailed as well against the crown as the mitre'.

These observations are intended by the Dean to shew the necessity of such acts as the Test and Corporation Acts, in order to exclude all who

^p P. 25.

^a Ibid.

dissent from the established church from offices
 of power and trust in the nation. Now, let
 any man set himself down to the reading of the
 rise, progress, and issue of all this unhappy part
 of our history, and let him weigh all circum-
 stances impartially within his own breast, and
 then let him judge whether this very history,
 from the days of Queen Elizabeth, will not it-
 self furnish a strong argument for the very con-
 trary to what the Dean is going to infer from it.
 For, if he finds that it is an history of the ef-
 fects of the passions of men, set on fire by
 hardships and exclusions, made outrageous
 merely for want of an universal mutual forbear-
 ance, carried to their height by oppressions and
 difficulties for the sake of differences in religion,
 he will judge between the Dean's argument
 drawn from hence, and what I would infer. His
 argument is this: ' There has been a long dis-
 affection to the church; and this disaffection
 has heretofore broke out into violences, and
 at last prevailed against both the crown and
 the mitre. Therefore, it is just and wise now
 to exclude all from civil offices who dissent
 from the church.' My argument is this: ' All
 this disaffection was continually heightened by
 the hardships and pressures put upon those
 who at all disapproved of any thing in the
 established church, even though constant
 conformists to it. Their suffering in their
 civil rights, upon religious accounts, was the
 inflaming consideration, and what gave fire to
 their passions, which at last produced such ef-
 fects. The contrary, therefore, would have the
 contrary effect. Let all hardships, and all
 oppressions, little and great, cease: let there
 be

' be no civil punishment, or civil suffering, or
 ' civil inconvenience (call it, as the Dean
 ' pleases), on the account of what is the dictate of
 ' men's private consciences, unless it immedi-
 ' ately affect the civil government; and I can-
 ' not but think there would be an end of the
 ' keenness of the disaffection itself, and of all
 ' the passionate effects of it.' At least, there is
 this probability for it: the former method has
 been tried, and has been so far from diminishing
 it, that it has been seen to blow it up into vio-
 lence and force; and even to excuse this vio-
 lence by the same pretence of self-defence
 against those who had practised severities against
 their fellow-subjects upon that same foundation.
 The latter has never yet been tried wholly and
 effectually. The degree in which it has been
 tried has been seen to have mollified, and not
 sharpened that disaffection throughout the na-
 tion: and the greater the degree is, the greater
 in proportion will the effect be.

In order to cure an evil, you must go to the
 original cause of it. If the deplorable mischiefs
 which the Dean touches upon have either in
 part, or in whole, proceeded from disaffection
 to the church; and this disaffection to the
 church has been ever increased and inflamed into
 violence, by any sort of oppression, or difficulties,
 or inconveniences, laid upon those who differed
 from it: then, the true cure for these evils is
 to prevent them by acting a contrary part, and
 trying that which never yet has had, in any part
 of the world, so fatal effects. To go on in the
 old way of continuing grievances, or burthens,
 is only to pave the way to the same evils when-
 ever

ever time and opportunity shall offer; and this, as certainly as that the same human nature will be worked upon in the same manner, by the same methods; or as certainly as that the same causes, all things concurring, will ever produce the same effects.

When Dr. Sherlock states the abolition of monarchy and episcopacy, during the civil war, and reasons upon it, his argument amounts to this: That in King Charles's days, those who then dissented from the Church of England, having got power and opportunity, prevailed against the crown; overturned the civil constitution; established their own church; and, as much as in them lay, abolished the government, discipline, and worship of the church which was, before this, the established church; the ecclesiastical constitution of the realm; which is always supposed to be part of the government. Therefore, it was just and wise, after the Restoration, to exclude by law, all from places of power and trust, who differed at that time from the established Church of England. And, therefore, likewise (which I beg of the reader particularly to observe, as it is the whole design of the Dean's book, though very much neglected and very little laboured by him), it is just and right still to continue to exclude all Nonconformists at present, about sixty years after that time, from all capacity of holding offices: to which capacity they have an undoubted right, were it not for such a law

Upwards of sixty years more must now be added to the calculation, as that time is elapsed, since the publication of Bishop Hoadly's book.

of exclusion; or were it not for their nonconformity.

In answer to the Dean's mode of reasoning upon this subject, I shall urge *three* arguments, of the conclusiveness of which every reader may judge for himself.

ARGUMENT I.

THAT way of reasoning which would have made it wise and reasonable to have excluded multitudes of constant Conformists, as well as Nonconformists, from all offices of power and trust, cannot be just.

But the Dean's way of reasoning, which puts the cause upon what had passed in the years preceding the Restoration, will equally hold for the one, as for the other.

And, therefore, is not just.

All the world will presently see what I mean.

The remonstrances against the crown and the mitre both, and the civil war itself, were begun and carried on by churchmen; by constant churchmen; by a parliament full of churchmen.

This was the grand original and occasion of those evils which came afterwards; though unexpected and undesigned by those who first began. But what I argue is this; that, if it be good reasoning to infer from past proceedings that the followers of such and such persons, in some of their main principles, may justly be excluded

man affairs is always such, in all quarrels of so public a nature, that evils follow thick upon one another. This rupture increasing and growing wider by degrees, made way for any, who could, to seize the power: and they have the civil power, in such cases, who can get and maintain the strongest and most successful army.

Now this being the state of the case, that not so much as the beginning, or the least degree of these evils, proceeded from any legal capacity of Nonconformists for offices under King Charles I. but rather from the hardships put upon these, as well as upon many churchmen themselves, in their religious rights as well as civil; it cannot possibly be made an argument, that Nonconformists ought now to be excluded from all offices of power and trust. For it must, upon this bottom, stand thus. Some Nonconformists, making use of the rupture between a parliament of churchmen and the king, at length prevailed both against the crown and the mitre; and carried things to all extremities both against the king and the church, by virtue of a powerful army. Therefore, it is fit and just to exclude them all by a law from all capacity of serving their king and country hereafter, in any offices of power and trust. Whereas, if the argument from past evils were good, it ought to stand thus: The Nonconformists, by means of being legally capable of offices of power and trust, under King Charles I. destroyed him, and ruined the Church of England. Therefore, the proper remedy is, to exclude them all by a law, from all such capacity for the future. But there can be no such

such argument as this justly framed: for those evils were not caused, either in whole or in part, by any such capacity; and, therefore, the remedy proposed is not of any relation to it, nor do those evils at all point out such a remedy. I confess I should rather argue thus: Those evils were begun by partiality and oppression; and therefore the true, lasting, effectual remedy would be, for the government to abolish all partiality as to civil rights, and all hardship, wherever there is equal affection to the civil government, properly so called.

The Dean very dexterously and judiciously often forgets to mention the Test Act, and lays his stress upon the Corporation Act. He declares this act to have been 'no more than what the gentlemen of the Church of England had found, by woful experience, to be necessary to their preservation.' He demands, 'in the name of all that ever was called Christian charity, what less could be done?' And he calls 'heaven and earth to judge of the equity of the proceedings;' and tells us, that this was made necessary by the evil spirits, still working, notwithstanding the clemency of the crown after the Restoration; sometimes drawing his arguments even from preambles of acts of parliament, the nature of which every one knows, and sometimes speaking of the Corporation Act as the 'defence of that religion, which the nation received as delivered by Christ, from force and violence.' There never, I believe, was such a mixture of materials in any debate as we find here in a few pages.

ARGUMENT III.

THAT way of reasoning, which is founded upon a false state of the fact, and accompanied with contradictory and inconsistent topics, cannot be just.

But the Dean's way of reasoning here is surrounded with these circumstances :

Therefore, it cannot be just.

As to the state of the case, many things are here laid by Dr. Sherlock which are not true, and many omitted which are true.

1. The Dean constantly hides from his readers what the justice of an historian (for such he here is) cannot deny even to those whom he exceedingly dislikes and disapproves, viz. That King Charles II. was actually restored to his kingdom by the help at least of one great party of Dissenters from our church. Several ministers of one persuasion waited on him, with whom he declared himself entirely satisfied, as to their peaceable dispositions. The army, without which he could not have been restored, was of the same persuasion. It was well known, and thoroughly perceived, that episcopacy and the public worship of the Church of England, were of necessity to be (as to the main branches of them) restored with him. Nor was any reluctance to this in general expressed; but a great deal of joy and satisfaction in the whole affair.

This,

This, I say, should have been remembered, by one who professes to enter with so much reluctance upon the bad side of those affairs : and it should have been remembered as some small amends, at least, some mark of dislike of what had passed, some token of no disaffection to the King or his government. These particulars were so remarkable whilst the impression was fresh, that the Lord Chancellor Clarendon, in a speech to the parliament, Sept. 13, 1660, in the King's presence, described the army then to be disbanded to be little less than invincible, and an army whose order and discipline, whose sobriety and manners, whose courage and success had made it famous and terrible over the world, in order to shew the King's sense of his obligation to it. And as to others also, the same noble Lord, at the meeting of the following parliament, in his speech to the House of Lords, called upon them to consider how much they owed to those who, with all the facilities of their souls, contributed to, and contrived the blessed change; and then how much they owed to those who gave no opposition to the virtuous activity of others; and God knows (says he) a little opposition might have done much harm, &c. In this strain were matters spoken of (till new views produced new language), even openly and by authority. And therefore the Dean, amidst all his historical notices, need not have been ashamed or afraid to have done justice, common justice, to those upon whom he was now going to put hardship enough, and to bind it upon them with all the strength of that noble topic of self-defence.

When

When all this, together with the promises solemnly made at that time, shall be considered, every one will see that, if something else besides self-preservation had not been meant, such acts could not so soon have been thought of. Nor was it long in that reign, before the most serious churchmen, as well as others, saw very plainly that the disuniting of Protestants from one another, and the strengthening the contrary interest, and the bringing in new measures, or rather the madness, of loyalty, by extravagant addresses from the corporations of England, were ends more certainly in the view of some at that time, than the preservation of the gentlemen of the Church of England (as the Dean puts it), who were then in no danger, as I know of, but from themselves. This account of the fact, from whatever root these proceedings sprung, should not have been omitted, and then an argument of another sort would have offered itself, to this effect: Since it is certain that one sort of Nonconformists bore a great part in restoring the King, and multitudes of Dissenters expressed an entire acquiescence in it; and since the King himself openly professed great satisfaction in them, and made promises not to forget this: it follows from hence, either that the evil spirits mentioned in the preamble of the Corporation Act were not the Nonconformists, as such, or else that this preamble (as it is with many others) does not give us the true reasons of the bill, and therefore cannot be alleged as any certain proof of the necessity of it; though it is urged for this purpose by Dr. Sherlock.

The Dean's account of some of the transactions after the Restoration is contradictory and inconsistent. He first gives an account of the glorious state of things after that event, when 'the cruelties, the oppressions, and devastations of many years, were all buried in silence and oblivion'; and when all was harmony and peace; and then immediately proceeds to defend the equity of making a law, which could not but revive those animosities, and set on fire those resentments, which were now happily extinguished, and exchanged for peace and quiet on all hands. But the Dean will find it difficult to prove, that some differences in religious matters, was a just ground for a deprivation of a whole body of men from civil rights; and even of those men, who had but just now been declared by the king himself to have merited greatly at his hands. And, indeed, till Dr. Sherlock can give a more consistent account than he has done of the ground of the Corporation Act, neither heaven nor earth can judge any otherwise of his state of the case, but as of something which destroys itself by irreconcilable contradictions; and as an instance, amongst many others, of the uncertain grounds upon which a bad cause stands; as well as a proof that it is the glory of truth only to be uniform and self-consistent.

The three arguments, which I have now particularly urged, against the general strain of Dr. Sherlock's reasoning, appear to me to be conclusive; and I shall now proceed to take some notice of the dextrous manner in which

the laws then in force to preserve any of these kinds of injustice, P. 27. the Dean will not
the

the Dean, in different places, speaks of the Corporation Act. This act is sometimes represented, in modest terms, as a defence of the government; sometimes of the church, under the notion of part of this government; that is, the ecclesiastical constitution of this earthly kingdom; and as such, modeled and framed by men very lately, though containing many branches of great usefulness and antiquity. But, on a sudden, the words are changed from temporal to spiritual; from earthly to heavenly; from the constitution of a realm, to the religion of Christ himself. The Corporation Act is now declared to be no less than the 'defence of that religion, which the nation received as delivered by Christ, from force and violence;' and to have been designed for the 'suppression of the many kinds of injustice practised upon this people.'

To the latter of these, I shall observe first, that these instances of injustice were entirely and effectually suppressed before the Corporation Act was made. The power was dislodged from those who possessed it before the Restoration. The Government, he tells us himself, was returned to its natural channel. And, therefore, to represent the Corporation Act as designed, or as necessary, for the suppression of that injustice, which was already suppressed, is to represent our legislators in a very mean and inconsistent light. Was it possible for any Nonconformists, only by remaining capable of holding inferior offices under the King, bound and confined by the laws then in force, to exercise any of those kinds of injustice, which the Dean will not enumerate,

enumerate, for fear of their harsh sound? Were not these all swallowed up, and abolished, before this act was thought of? Or does this act at all contribute to the suppression of those kinds of injustice which were practised before the Restoration, but which of necessity ceased with it? Nay, does not his own history, in the page before, inform him that the very memory of these was almost lost in universal good nature, humanity, lamb-like meekness, and Christian charity, which came in with King Charles II. and his followers, and tamed even the fierceness of lions themselves? But I return to the Dean's exquisite representation of the Corporation Act, as a 'defence of that religion, which the nation received as delivered by Christ, from force and violence.' And here I must observe,

1. That he should have asked himself, what need of this, when, in the sentence a little before, he had declared all force and violence to have been swallowed up in harmony and love?

2. That any one may again ask, what need of this act to this purpose, when all power was already taken out of those hands, who are described as using force and violence? No fear then, of force and violence from an inferior and very small body of men. Nor did force and violence, as I have before observed, proceed from their being capable of holding civil inferior offices, under the supreme legislative and executive power. And therefore, this act

was no defence against that force and violence which the Dean here intends. But,

3. What I would chiefly observe, is, that the nation never was, I hope, so weak, and so regardless of the gospel, as to receive the ecclesiastical constitution of this realm, as the religion delivered by Christ. It is the former, which is designed to be defended by such acts of parliament, as the Dean himself has often told us. But, indeed, what he here means by the nation is very uncertain. If he means truly the nation, or the whole of the people, he knows there is a part of it, which is far from taking this constitution to be the religion delivered by Christ; and perhaps some weak enough to believe another constitution, diametrically opposite to it, to be part of Christ's religion. If he speaks here, according to the prejudices of many, and the false judgment they make of things, his argument will serve equally for the Popish constitution, and the Kirk of Scotland; and justify all in the making exclusive acts, who think and judge falsely their own constitution to be Christ's religion: If he means that this is truly judged so to be, I would beg to know by whom? For,

4. All true, consistent Protestants, receive the New Testament only, as containing the religion delivered by Christ. This is the religion of Christians, considered as such: and this alone is their refuge, and the avowed standard of all their notions, amidst their several and contradictory systems. The Dean will hardly say, that the Corporation Act was so necessary, that without it Christians were not allowed to have recourse

to their Bible; or to search for the will of Christ in the New Testament. Nor can he be supposed to be much concerned on this account: when before, he has made the establishment itself, and all such acts of parliament as this, to be necessary remedies against the great evils arising from every man being left to make the best of his Bible. He told us then, of the great necessity of human restraints to be added to that right of searching after the religion delivered by Christ: and now he tells us of defending that religion from force and violence. By which I can understand nothing, but either that he almost constantly forgets, in one page, the very main arguments he builds upon in another; or else, that he argues that we must lay restraints, which is but another expression for using some degrees of force and violence, for fear others should do it. We must do that which we exceedingly blame in others; for fear they should, one time or other, come to have the power of doing it: not considering, that this very usage is the road, and provocation, to their doing it as soon as they can; and that it is a disgrace, and not an honour, which we may well leave to others, without being fond of imitating them. But,

5. Another thing to be considered by all Christians is, that the religion delivered by Christ can be justly supported only by Christ's methods. All the laws and acts of parliament in the world can only support an outward profession of something, which, as far as it is received from men, and practised as the will of men, or the law of men, is so far different from the

religion of Christ. They may keep up an human constitution: and either allure men by temporal rewards to adhere to the outward form of it; or terrify men by temporal inconveniences from departing from it; or indispose men by both, from examining at all, what it is for their ease and their interest to take as it is offered to them. But the religion delivered by Christ, as such, is not concerned in such laws. It subsisted, the sincere profession of it subsisted, not only without, but often against, human laws; which is a demonstration, that whatever it is that such laws are necessary to preserve, it is not the religion delivered by Christ: nor ought the people to be so imposed upon, as to be made to believe this.

Speaking of the circumstances that attended and preceded the Restoration, Dr. Sherlock asks the following pathetic question: In the name of all that ever was called Christian charity, what less could be done, than the passing this Corporation Act? To which I answer, in the name of all that was ever called Heathen justice, let all punishments, or sufferings, or whatever softer name he will give them, follow the nature of men's crimes. If these persons, to be guarded against, were, at the time of making such acts, enemies to the lawful civil government of the nation; I am so far from thinking that less could have been expected, that I would myself have contended for more, against any men who openly avowed any principles against the civil rights of their country; or who were guilty of any overt acts against it. But as this pathetic question is founded solely upon differences about churches

churches and ways of worship; I confess, I cannot see, and therefore cannot acknowledge, that the same methods were reasonable, Christian, or fitting, in this case, which would have been so, in the other. And in this opinion I shall be the more confirmed, whilst I see that the Dean himself was determined, and found a necessity so to be, first to make the church the state, before he could openly and plainly adapt civil principles to religious matters. This compliment to a Christian church I never yet paid; and I believe never shall be able to pay it: and therefore cannot follow him in the consequences, which are entirely built upon this, and upon nothing else.

And as this question of the Dean's respects only the Corporation Act, I will observe here, that the cause of the Test Act is not at all helped by it: for, if the gentlemen of the Church of England (as the Dean says) thought themselves under a necessity to make the former in their own defence against Protestant Nonconformists, this will not at all justify the pressing the continuance of the latter against them, which was entirely designed and framed for the support of the common Protestant interest against Papists.

In order to shew the danger of repealing the Test and Corporation Acts, Dr. Sherlock says,
 ' The dissenters are still fond of their own principles and opinions; and we have once seen
 ' how that fondness transported them, when
 ' power was in their hands. Why then are we
 ' not to suppose, that they would use power
 ' again,

‘again, if put into their hands, to set up what
 ‘they account pure religion, and to expel what
 ‘not only they, but others of higher rank,
 ‘and under greater obligations to the church,
 ‘have treated as Popish and superstitious’?”

It is surely strange that the Dean should imagine, that merely permitting Dissenters to have the *legal capacity*, or *possibility* of being employed in civil offices, under a civil constitution with the foundation of which they are entirely satisfied, would naturally lead them not only to attempt, but to obtain, the supreme power, and to effectuate the most extraordinary changes. But in order to this, they must have an House of Lords, an House of Commons, and a Prince upon the throne, all concurring; which are not very probable suppositions. And, indeed, all the Dean's speculations about the use which Dissenters would make of the supreme power, if they were in possession of it, are only calculated to amuse the reader, and to lead his attention from the true subject of debate, which is the common rights of mankind; and whether these rights can be forfeited by good civil subjects, merely upon the account of differences in religion: and the truth is, that their capacity of holding offices (which is the sole point before us) is so far from being affected by the case of their predecessors possession of the supreme power long ago, or by the past behaviour of those predecessors, that no argument can possibly be drawn from hence, for refusing to them what they have otherwise an allowed right to.

P. 30, 31.

Dr.

Dr. Sherlock talks much of the disaffection of the Dissenters to the government at former periods: but admitting, for argument sake, that his statement were just; if disaffection to the civil constitution, testified by former actions, were a just ground for the making such exclusive acts, then certainly the truest affection to the present civil constitution, testified by a behaviour of thirty years, and particularly in all critical times of danger, is the justest reason in the world for the putting an end to such acts.

The Dean says, that the Dissenters are still fond of their own principles and opinions. But it may be asked, Are not Churchmen likewise fond of their own principles and opinions? And do not they think and maintain, that, in contending for their own scheme, they are contending only for the execution of the laws of Christ? The Dean is very solicitous, that the powers of government should be employed, and that restraining laws should be maintained, in support of the church, and on the principles of self-defence; and he often confounds the church and state together. But that way of reasoning ought not to be applauded or received by Protestants, which actually did crush the Reformation at the beginning, which now actually hinders it, or oppresses it, in all Popish countries, and which justifies those who either have heretofore obstructed it, or now in any country do it. But the Dean's way of reasoning necessarily produces these effects; and, therefore, ought to be rejected by all Protestants.

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What I have now affirmed of the Dean's reasoning is very plainly true: for if the established church of a country be the state, or a part of the civil constitution; or, if the ecclesiastical constitution of a country be the government, or part of the public, in such sense as to be justly defended and supported upon the same civil principles, and by the same sort of civil methods of self-defence: If this be so (which is in truth the whole of the Dean's main argument), then this not only in the event will be applied and constantly made use of in all countries equally, but with equal truth and justice may be made use of to the same purposes every where. These general principles of civil self-defence turned to the use of church self-defence are as good, as just, and as righteous, in France, or Spain, or Italy, as they are in England; and the general argument drawn from them concludes as strongly and as justly for all the same hardships upon Nonconformists (that is, Protestants) in those countries, as it can do against any Nonconformists in England: for it is not drawn from any privilege that we Christians of our established church have above those of all other nations, to be more hard and severe upon all Dissenters from us, because we have a more excellent, that is, a more Christian church than any others have (which would infer the contrary); but from those general principles of self-defence, which are no better here than they are every where; but indeed are equally good, and therefore equally to be made use of as a common right by every public, every community, every government (for these are the words

the Dean has introduced into this argument), and with the same justice that they can be made use of in this country.

It was as righteous, according to the Dean's argument, for the Papists, in all parts, to deny to their Dissenters at first, that is, to all who joined in the Reformation, the common rights of subjects: and it is as righteous now, according to the same argument, in all Popish countries, to deny to Protestants those common rights, as it is in England to deny them to Nonconformists. Now that reasoning which defends the interest of a Protestant Church, by the same principles which equally defend the interest of all Popish Churches, cannot be just, nor truly for the interest of the Protestant cause. And this, therefore, I say, is one ground upon which Protestants, as Protestants, ought always to reject it.

Another argument, which I shall urge against Dr. Sherlock's mode of reasoning, is, that that way of reasoning which justifies, and calls for, the exclusion of Churchmen from offices of power and trust, in North Britain, cannot be just in the opinion of good Churchmen. But the Dean's way of reasoning justifies that exclusion in North Britain; and, therefore, it ought not to be allowed in South Britain, by any true friend to the Church of England.

For as the Dean's whole argument is founded upon this particular Church being the ecclesiastical constitution of the realm; upon the force of those principles which belong to civil govern-

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ments and communities; upon declarations of acts of parliament; and upon the remembrance of past transactions; it will be evident, that all the like proceedings are just, wise, fitting, reasonable, and necessary, in Scotland, against the Church of England; which are declared by him to be fitting, wise, reasonable, and necessary in England, for the sake of the Church of England. For the two kingdoms being now effectually united, it unluckily happens, that we have two ecclesiastical constitutions of the same realm. Both of these are equally, in the same strong words, declared by the laws of men in this realm, to be essential and fundamental to that union; the one in the south, the other in the north. In the south, the members of the Kirk of Scotland, as well as all who differ from our Church, are Dissenters. In the north, the members of the Church of England, and all who differ from that Kirk.

The whole of Dr. Sherlock's book is, indeed, of an admirable and almost unequalled comprehension. It sheds its kind influences upon all churches equally; by making it wise and just, for every one of them to be defended against the others, by oppression upon the members of others. It is particularly of two differing complexions, and has two differing tendencies, in this same realm, in which we happen to have two very differing ecclesiastical constitutions. As it is printed at London, it is a defence of the Church of England, as by law established, against all Nonconformists; by shewing the reasonableness of excluding them from all offices of power and trust. Let it be printed at Edinburgh,

burgh, with the change of a few names and words; and the history of the destruction of the Kirk put instead of that of the destruction of the Church of England; and I will answer for it, it is, with equal justice and truth, a defence of the Kirk of Scotland, as by law established, shewing the justice, reasonableness, and necessity of excluding from all offices and posts of any power and trust, all Nonconformists, and particularly all episcopal men; all who do not enter into the scheme of the confession of faith there established; all who are fond of any other scheme, as of the religion delivered by Christ. The argument will be the same there, as it is here. The same topics, and the same principles will thrive and prosper there, because they belong equally to all states and churches whatsoever: and will live and flourish even in the coldest climates, by their native heat and vigour.

Dr. Sherlock, as one argument against the repeal of the Test Act, says, that this act is in effect declared to be essential to the union of the two kingdoms of England and Scotland, and to remain for ever unalterable, by virtue of that clause in an act, passed previously to the Union, which declares, that all and singular acts then in force, for the establishment and preservation of the Church of England are made perpetual: under which description the Test Act (he says, though with some sort of dubiousness and hesitation) may come. But he acknowledges, that the act before the Union

is P. 51.

Therefore

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does not expressly mention the Test Act, as it does others. And the only positive argument he has to produce, in support of his opinion, is, That in the tenth year of Queen Anne, the Test Act is declared to have been made for the security of the Church of England. But this is far from being a just argument, That some, in the fifth year of Queen Anne, meant to say this of the Test Act, because others, of very different sentiments from them, five years after, did say it. Neither do these others say, that this was included, or designed to be thus included, in the act before the Union; which is the only point now before us. If the establishment and security of the Church of England were necessarily to fall, or did indeed depend upon the Test Act, the Dean's present argument might have some weight, supposing the establishment itself to be really unalterable; but since, upon supposition of the taking part of this act away, neither the establishment of the Church would be any other, nor the security of the Church would be any less, than what they are now, the argument is, not of importance. And the Dean himself will not take upon him to affirm, that the legislature is tied up from all alterations of such laws, though declared unalterable. And it may be remarked, that he himself assures us, that the Kirk of Scotland enjoys the like security with the Church of England; or that there are two ecclesiastical constitutions of this one realm, both equally declared unalterable; and both inviolably to be preserved. Now, there is no Test Act relating to the Kirk of Scotland; and yet that Kirk enjoys the like security with our Church, by the act of Union.

Therefore,

Therefore, the Test Act in particular could not be accounted, in the act referred to, necessary to the security of one Church; whilst at that very time all provision was made for the security of the other Church, without supposing such a particular Test Act necessary for that end.

Though Dr. Sherlock seems, in one place, to be of opinion, that the constitution of the Church of England is rendered unalterable, in consequence of the Union, yet he declares, in another place, that 'the ecclesiastical establishment (as far as it is in its nature changeable by human laws) ought to be agreeable to the sense of the nation.' If so, then, upon any alteration of the sense of the nation, that is, the majority, the establishment itself not only may be; but ought to be altered according to it. The restriction here added, as far as it is in its nature changeable by human laws, makes no difference at all, as to the point in hand. For all establishments are changeable just as far as they are human establishments: All are changeable by human laws, just as far as they are founded upon human laws. Before Christianity itself was an establishment by human laws, it was Christianity, and subsisted in the profession, and practice, and worship of its followers: and after it ceased in some countries to be established by human laws, that alteration changed nothing of what was unchangeable in it. It still remained, and was the same religion, whether established or not established: which I mention to shew, that such restrictions sound only as if some sense were under them;

whereas, in truth, establishments by human laws are just so far changeable as they are establishments; and, considered as human establishments, have nothing in their nature unalterable.

The Dean remarks, that the advocates for a repeal of the Test and Toleration Acts, talk of religious rights preserved or restored by the Revolution; but 'the legislature,' he says, 'knows no religious rights, but what are contained in the establishment of the Church of England.' And this he endeavours to prove, from the Lords and Commons telling King William, at the latter end of his reign, that 'after the settlement of the crown on himself, &c. in his first year, his Majesty's good subjects were restored to the full and free possession and enjoyment of their religious rights and liberties.' I suppose, he takes his argument from hence, that, at the time to which they look back in these words, there was no legal toleration enacted; for he asserts, that 'no religious rights were then actually restored, but the people's free enjoyment of their religion as professed in the established church.'

Though I am, indeed, very sorry to hear this imputation upon the legislature; yet it concerns me the less, because I never take my notions of religious rights from human laws; or of what Almighty God has vested mankind with, from the declarations and decisions of his fallible creatures. But thus much I may say, that the Lords and Commons might justly be supposed at that time to have had their eyes, in the words before cited, upon all the happy consequences of

the settlement of the crown upon King William; one of which was the Toleration of Protestant Dissenters. This either was the right of those Dissenters; or it was not. If it was not, then the legislature granted them what they had no right to; and acted a piece of injustice towards the established church. But if it was their right; as the Dean will own, I suppose, because he is, as he says, so much better pleased with the church itself, since this was granted^a; then here is a right, and this a religious right, restored by means of the Revolution, distinct from all those religious rights which are implied in the establishment of the Church of England. The legislature granted this, as a right, and a religious right: and, therefore, it is a groundless imputation upon it to say, that 'the legislature knows 'no religious rights but what are contained in 'the establishment of the church;' when it is so evident, that the same legislature knows the right to toleration, upon which the express law for it must be supposed to be founded; unless you will suppose them to have done wrong to the establishment by it.

I shall add one word with respect to the malignant influence of such arguments as this, taken from human legislatures, upon the cause of truth, of Protestantism, and of the Church of England itself. Supposing the legislature of Spain to know no religious rights, but what are contained in the establishment of the Popish Church there; will it follow, that oppressed and injured Protestants have therefore no right? Supposing the legislature of Scotland, before the

^a P. 45.

Union, knew nothing of any religious rights, but what are contained in the establishment of the Kirk of Scotland; or that the present legislature of Great Britain knows nothing of any other religious rights in that kingdom: does it follow that, therefore, Episcopal men, being good civil subjects, have no religious rights there? I presume, not. And if not; to what is it that such arguments tend, but to injure what is founded on truth in our own opinion, as well as what we esteem to be founded on falsehood; to lay waste the religious rights of all equally; and to hurt ourselves in some places, and at some times, as well as our neighbours, and fellow creatures, and fellow subjects, in others?

Dr. Sherlock says, that 'if it be reasonable
 * to keep any power out of Dissenters hands;
 * that power certainly, which gives them an influence in the legislature, in making laws for church and state, ought especially to be kept
 * from them. And it must, upon the least reflection, appear very strange, to advance a man
 * to a share in making laws for the nation, and
 * yet to deny him all other power^b.' Now this is actually the case with us at present. For a Nonconformist may, by the law, have a share in making laws for the nation; and yet is, and ought to be, according to the Dean, excluded from offices of power and trust. As this does indeed appear very strange to me, I would argue from it, that they who are legally capable of a share in making laws for the nation, ought not to be denied powers and trusts of a lesser sort.

^b P. 45.

In order to shew the propriety of excluding Dissenters from public offices, Dr. Sherlock informs us, that there are such exclusions in all countries; and particularly in all Protestant countries. To this I answer, so much the worse: and so much the more need still, of speaking plainly upon this subject. If there can be one instance of public advantage proved to accrue to any kingdom or commonwealth, from such confinements of offices, which is not vastly overweighed by multitudes of apparent inconveniences and great disadvantages, something might be urged from example. But when no such thing can be shewn, but, on the contrary, the rise and increase of many evils, as well as the inequality and unrighteousness of the thing itself, is evident beyond all contradiction; the urging such examples is only declaring others to be like ourselves; and giving that miserable comfort, that we are not alone in this unhappiness: which neither lessens the imprudence, nor the guilt, of any thing. But after all this boasted similitude (which is never to be allowed as any argument, but when we like it), I would ask the Dean a few questions: though I lay no stress upon them, as to the essence of the matter before us.

What injury has the Republic of Holland received from leaving the highest military posts open to men of all denominations? And how does this practice bear any resemblance to ours? What injury would the same Republic receive, were civil offices laid open to Arminians? and what has the confinement of God's favours in the system of Calvin, to do with the confinement

of the offices and favours of men, in the system of this world's politics? What possible disadvantage could arise to that state, from a person's being in office, who believes that Christ died for all men, in a sense different from that in which his honest neighbour believes the same proposition? Supposing multitudes in Holland should, by hearing our liturgy sometimes read in any English churches there, come to approve of it, and to chuse it as the best manner of public worship; would the Dean think the States in danger of being undone, if these persons were not excluded from all offices? Or would he think this choice so much as a misfortune to them? And much less, a crime sufficient to be a just reason for their suffering in their civil rights, that they like our church better than another? and yet, this must be the case, according to his way of arguing. Every one must suffer, and suffers justly, unless in England itself, for approving the Church of England, and chusing our manner of worship.

Again, what damage would that government receive, in which, the Dean assures us, there is a mixture of Calvinists and Lutherans, if that mixture were equal, or accidental? Or what resemblance, in his opinion, can this mixture, as he represents it, bear to his own notion of our laws justly excluding all Nonconformists to one particular church, or system? And how can he give such instances, as bearing any likeness to our state? Above all, what has Denmark, or Sweden, gained by their strictness and severity upon such accounts; unless the great advantage of a naked country, and a depopulated state?

But,

But, with respect to all the governments that the Dean has named; can he produce any one of them, which makes the participation of the holy sacrament, the instrument of their worldly partiality? And does not this shew, that he can find no total similitude to what he now defends by the example of those, whom he will not follow in other things; after having tried in vain to defend it by reason and argument? I wonder he did not mention France, Italy, Spain, and Portugal, as well as those countries he has named; for the cause and the argument receives just as much support from the proceedings of the Papists against their Protestant Dissenters, as from the proceedings of the Protestants against one another: and with this advantage, of not contradicting the main principles of their cause, or the foundation of their churches!

It is not necessary to mention again the case of North Britain, in this same kingdom and island: as to which, I have already taken sufficient notice of the happy influence of such reasonings and such examples upon the members of the Church of England itself. For as Scotland is, in effect, equally called upon by the Dean, to take notice of these glorious instances of exclusion and disqualification, in all Protestant countries; and to follow such noble examples: the governor and members of the Kirk there, are obliged in duty, if all this signify any thing, to guard with the utmost care all the confines of their offices from the most distant approaches of any

men, who like the Church of England better than the Kirk of Scotland.

Before I proceed to consider particularly the Dean's *second* question, I shall add two other short arguments to those that I have already given, against the general strain of Dr. Sherlock's reasoning.

That way of reasoning which either justifies the Heathen civil governments, in having denied to Christians that capacity of holding civil offices, which they allowed to those of the established religion, or severely blames those Heathen governments which were guilty of so much folly as to allow to any Christian such a capacity, ought not to be admitted by Christians; I might have said, ought to be abhorred by them. But the Dean's reasoning is guilty of both of these; and, therefore, ought to be rejected by Christians.

That way of reasoning which by necessary consequence leads to open and cruel persecution of Dissenters in all countries, which justifies the inquisition itself against all Protestants, which justifies the greatest violences of the late King of France against the Protestants there; which not only permits all this, but directs and guides Christians to mutual oppressions, and mutual injuries, without number and without end; and which will ever continue to do so: Such a way of reasoning, I say, cannot be just. But the Dean's way of reasoning is of this sort: and, therefore, cannot be just in the account of
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any Christian, or Protestant, who will but carefully examine into its foundation, and trace out the natural and unavoidable consequences of it.

The greatest part of Dr. Sherlock's book is taken up in the discussion of his *first* question; namely, 'Whether it be lawful to confine offices of power and trust in the government to such as are obedient and well affected to the ecclesiastical state and constitution of the realm?' Having determined this question, as he conceives, in the affirmative, he proceeds to the discussion of his *second* question, namely, 'Supposing it to be right to put offices of power and trust into the hands of such only as are well affected to the ecclesiastical establishment, whether it be lawful to require of any man, who is willing to accept such an office, that he should communicate with the church established, and particularly that he should receive the sacrament according to the rites and usage of it, in order to prove his communion with it?'

In order to resolve this question in the affirmative, Dr. Sherlock says, that 'the Test Act obliges no man to receive the sacrament. It may (and I doubt it too often does) prove a temptation to a man to do what otherwise he would not chuse to do; but for such inincerity the receiver, and not the law-maker, is to answer.'

As to the Dean's assertion, that 'the Test Act obliges no man to receive the sacrament,' I admit this to be very true; but the Test Act obliges a man either to receive the sacrament in one particular manner, at one particular time, or to forfeit all his right to any office, and all his hopes of worldly preferment. This is not a natural necessity, I own; but it is certainly a moral necessity; such a necessity as generally proves irresistible to the worst of men, who have least right either to offices themselves, or to this particular means of coming into them.

The Dean says, in another place, 'I have heard much and just complaint of the iniquity of men, who have come to the holy sacrament, without devotion, nay sometimes with open contempt of it, merely to satisfy the letter of these laws; but the legislature cannot be charged with establishing guilt and hypocrisy by a law.' He might then have said, that the Test Act proves a temptation to many men, not only to do what otherwise they would not chuse to do (as he expresses it), but to do what is very wicked; to abuse this holy institution; to approach it without any true sense of what they are doing, and the like. But this it seems is nothing to those who lay this temptation, this strong temptation, in men's way.

For such insincerity, says he, the receiver, and not the law-maker, is to answer. Now this is either a turn of the question from its true

state, or very inconsistent with the Christian solution of such cases. If by insincerity here he means merely that general insincerity which a man must be supposed to have, who can act such a part without any remorse or thought of his duty; it is true, that for this particular fault in another, that other only is answerable. But the fault of laying this temptation is not the receiver's fault. It is a point wholly distinct from what he himself is guilty of. The Dean here, according to his customary favour, is good enough to drop something to set against his own assertions. He owns this to be a temptation. If so, this temptation is laid, not by the receiver, but by persons distinct from him. Supposing, therefore, that the receiver be answerable for his own insincerity, there remains another point, and that is, the laying a temptation of so fatal, known, and natural an effect, as this. And for this other point, which is here wholly overlooked, no one can be answerable but they who first laid it, and they who wilfully continue it. The Dean, who never forgets to mix his good sense with his bad cause, was so sensible of this, that in the very next words he directs us again towards the truth. 'We ought not, indeed,' says he, 'to lay stumbling-blocks in the way of our brethren.' He might have added, nor incitements and allurements for infidels and debauchees to come and partake of the communion amongst Christians. But this he forgets. If 'we ought not to lay stumbling-blocks in the way of our brethren,' and this is a stumbling-block (as he in effect owns, and as all the world knows), then the law-makers have done what they ought not to have done, in laying this stumbling-

stumbling-block : and for this certainly, which is their act and deed, they are answerable just as much as others are for their own fault, who wilfully fall into sin, or who are (in the Dean's words) induced by this 'to do what they would not otherwise chuse to do.' In the case of laying stumbling-blocks, and of falling by them, there is always a fault on both sides, and to be answered for by both parties concerned.

Dr. Sherlock himself admits, that there is much and just complaint of the iniquity of men, who receive the sacrament in a wicked and profane manner, merely to satisfy the letter of the Test Act. This act, therefore, is the natural and evident occasion of such profaneness, and must be charged with it, whilst it is known that there are atheists, infidels, and debauchees in the world : for the offices of this world are their all. The Test Act declares them incapable of these offices without receiving the communion. What remains, therefore, but that they come and receive the bread and wine, in manner and form appointed. The action is as indifferent to them as any other action ; they have no scruples of conscience about it ; they cannot have a post without it ; and, therefore, it is to them an easy and natural resolution to have one with it.

And as the Dean himself acknowledges, that 'we ought not to lay stumbling-blocks in the way of our brethren,' so he ought also to admit, that it is highly unbecoming to lay a necessity upon atheists and debauchees, either to come to the most solemn institution of Christian worship, against which they can have no scruples
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of conscience, or to renounce all hopes and all thoughts of worldly promotion; which latter is to them a moral impossibility.

It appears, indeed, to me, to be an undoubted truth, that to make a sacred institution, appointed solely for the remembrance of Christ's death in the assemblies of Christians, the instrument of possessing civil offices for Atheists and Infidels, as well as one particular sort of Christians, to the exclusion of others; that this, I say, is debasing a sacred institution into a political tool and an engine of state: for certainly, whatsoever is made an instrument, without which there shall be no possession of civil offices, and of the posts of this world, is a political tool and an engine of state.

That the Test Act has kept out Papists from offices, and done service that way to the nation, I have never denied: but that it has kept out others, who have not forfeited their common right to civil offices by any disaffection to the civil government, is as true on the other hand. And, as I hope a method might be found out, full as effectual with respect to Papists, as this of the sacramental test, which is effectual, and can be effectual only because the leaders of the Papists have not yet thought fit to give them a general dispensation to communicate with us when they please, so I cannot think that one good effect of a law, depending upon accidental circumstances, can be a sufficient reason for it, if it be found to be unjust, and disagreeable to the ends of civil government, and injurious to good subjects,

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jects, as well as a debasement of a sacred institution of the Christian religion.

Dr. Sherlock endeavours to prove, that it is as justifiable for the government, or the magistrate, to require the sacramental test, as it is to require the security of an oath. ' When the magistrate (says he) requires an oath, he lays hold on the natural sense and obligation we are under to believe in, and to fear God; and grounds the test on them. When he requires the sacramental test, he lays hold of the obligation we are under to communicate with that Church, which we esteem to be a true part of the Church of Christ; and grounds the test on it*.'

This is manifestly a very partial and a very mistaken parallel, as to any justification it affords the magistrate, in the case before us. And I will beg leave to put it as follows:

When the magistrate requires an oath for the purposes of civil interest, or in order to possess a civil office, he requires a thing which was never appointed by God, or by Christ, to any other purpose; a thing which is in its own nature peculiarly fitted for the purposes of this world, upon this very account, because it supposes, in the generality of men, a fear of some Superior Being, the avenger of falsehood and injustice; a thing which is the only proper instrument of what it is applied to, and in the application of which no partiality, in any de-

gree, is implied or designed; and a thing which, though it may be abused by the wickedness of men, yet is the necessary, and, perhaps, only means of the end proposed: which renders the law requiring it, just and not chargeable with those abuses.

Now, in the other case, when the magistrate (that is, the law-maker) requires the sacramental test, in order to the possession of civil offices, he requires an action to be done for this worldly purpose, which our Lord himself has appropriated to another and a spiritual purpose; and by such appointment has, in effect, consecrated and dedicated to one sole use of quite another nature, and to quite another end, an action which has nothing in its institution, nothing in its nature, that bears any relation to the purposes of civil life, and therefore is not a proper instrument of what it is applied to: an action to be performed after such a peculiar manner, as implies in it a distinction to be put by it between some civil subjects, and others equally good civil subjects, and makes that an instrument of partiality and animosity, which was ordained by Christ as an instrument of the strictest union and affection between all his followers: an action, made necessary to the promotion of Infidels, who have no part in it, and yet must perform it, for that end: an action which they, who ordain and continue it for this purpose, know must lead to those abuses which the Dean says he sees and laments: an action, neither the only nor the proper security against any evils, and, consequently, not necessary for that purpose: which consideration makes it impossible to justify a law, which

unnecessarily enacts what naturally and unavoidably leads to such evils.

And now, let any one judge of the exact parallel between the sacramental test, which is the use of the holy sacrament for purposes very different from what it was ordained for; and the use of oaths, which is the use of what are fit and proper for the purposes they are appointed for. And if these considerations are not enough to satisfy Christians, I confess, I shall despair of their being made sensible of any thing.

Dr. Sherlock employs some pages in endeavouring to remove the objection, that the law requires clergymen to admit such persons to the communion as ought not to be admitted, unless they choose to be ruined, by law expences, for not doing it. This objection he considers as ill-founded. But, I confess, I always imagined this to be a grievance, in the opinion of all the clergy in the land, of all parties, from the highest to the lowest. But the Dean contends, that this objection has no weight, 1. Because there are several other laws, as that about tithes, for instance, liable to the same objection, viz. That it often proves ruinous to a clergyman to sue for his tithes, &c. For which answer, I confess, his brethren are very much obliged to him. They have great hardships upon other accounts, therefore let this remain. Whereas the argument ought to be the direct contrary, viz. That supposing them to have many other hardships, there is the greater reason to release them from this. But all his force here is spent upon the

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supposition, that this was used as an argument against the justice of the law, viz. That the clergy might be put to trouble and expence by it: whereas, though this is indeed an argument against an unnecessary thing, yet the stress was not laid upon this, but upon the hazard run by not giving the communion to persons utterly unqualified for it. And, 2. Supposing that the law should be found to justify a clergyman in not doing this, will this justification be an entire satisfaction? and is a great trouble and expence upon such an account, of no importance in such an affair, or towards diminishing the great justice and goodness of such a law? But, 3. The utmost comfort that the Dean proposes is, that a clergyman may be justified in a court of judicature by the rubric, in rejecting a notorious offender against the laws of God, though that offender loses an office by it. This is his law: and his divinity for their comfort is this, viz. That 'until a sin becomes an offence to the congregation, it does not necessarily call for open censure.' This may be meant for law too, for aught I know; and if it be, it may be true that, by the law of the land, unless a man be so notorious a sinner as that his practice is an offence to the congregation, such an open censure, as refusing to administer the communion to him, cannot be justified: so then a clergyman is still left to be undone, upon the occasion of such a refusal, unless he can prove, in a legal way, by legal evidence, that this person is guilty of such or such a notorious practice; and that this practice is an offence to the congregation: in which will be included this point likewise,

likewise, what the congregation is; whether two or three, or a quarter, or half, or a majority, or the whole of it. What a great comfort must it be to a poor curate, to be engaged in such a process, in the forms of our law, upon such an occasion! and how ought we to be congratulated upon such happiness as this, discovered and defended by the Dean! But if he meant this for good divinity, I fear he will find it hard to prove it to be consistent with the duty of a good clergyman. For, supposing him to know certainly that a person is an unbeliever, or habitually engaged in a course of sin utterly forbidden and condemned in the gospel; will this justify him in owning this person as a Christian fit for the communion, merely because the congregation happens to know nothing of this? Let the Dean try to reconcile this with truth and Christianity; remembering, that every clergyman has a private conscience to be satisfied with his own private conduct.

One objection that has been made to the Test Act, is stated by Dr. Sherlock in the following terms: 'that it is a *worldly motive* to induce Christians to the same one certain profession in religious matters, and to the same one certain form of words and ceremonies in public worship.' To this the Dean adds a very moving exclamation: 'I would to God (says he) it had produced this effect!' That is, I would to God (says a Christian divine) that Christians had been induced, by a worldly motive, to an universal uniformity in sounds, and gestures, and ceremonies! For my own part, I am not ashamed

to say, God forbid! nor afraid to give the world such reasons as these for saying so; viz. That the same worldly motive would as certainly, in other conjunctures, and other circumstances, make those who are induced by it, as ready to an uniformity in the direct contrary sounds, gestures, and ceremonies: That the same worldly motive would induce them to be Papists in Spain, Presbyterians in Scotland, and Mahometans in Turkey: That the same worldly motive, considered as the inducement (which is the supposition, and the sole supposition here), acts uniformly in one and the same way, in this respect, that it knows no other gods but the gods of the country; no other church, but the church established, let it be what it will; no other religion, but the religion of the prince, or supreme power; though it works very differently in regard to the object, to which it is applied, which is as various, and as contradictory, as all the several religions and professions in the world, can be. Let the Dean therefore, have the glory of wishing all the Christians of the southern part of this island, to be induced to uniformity, in one way, by the consideration of posts and offices: And let who will wish the same in another way, for the northern part of it. I will use no such arguments, as bring a disgrace upon the cause they profess to serve; and really deserve it in other places, as much as they can be supposed to serve it in this. Much less will I ever avow such arguments, as suppose religion to be consistent with such worldly inducements, or nay, to be the product of so poor and ignoble a cause.

I have now examined Dr. Sherlock's arguments; first, for the exclusion of good civil subjects

jects from offices, merely upon account of their disaffection to a church establishment; or rather of their lesser degree of affection for one church than for another: and then, for employing to this secular purpose the communion, a sacred institution of our Lord himself, appointed for another purpose, wholly relating to another world. And I have shewn, that his arguments are inconsistent with the rights of all Christians, and contrary to the principles of the whole Reformation: that his plausible arguments for exclusive laws, upon religious considerations, drawn from self-defence, or former behaviour of predecessors, hurt the Church of England itself in other places, times, and circumstances, as much as they can pretend to help it here, now: that they justify the Heathens exclusion of Christians; the Papists exclusion of Protestants; and the worst of Protestants exclusion of the best, from all offices, whenever power may be in their hands. I have also shewn, that it is a prostitution of the holy sacrament, to apply it to a purpose of a different nature from what the great institutor solemnly appropriated it to; and to make that the tool of this world, which he ordered to have respect only to another. And I have proved, that the Test and Corporation Acts are repugnant to reason and to justice.

What I have written may probably be misrepresented; but whatever imputations may be thrown out against me, neither the Dean of Chichester, nor any one else, can rob me of the inward satisfaction I enjoy, in the sincere endeavours I have used, in this piece, and in my former writings, to propose and recommend
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such principles, as may at length, with the assistance of more able hands, effectually serve to establish the interests of our common country, and our common Christianity, of human society and true religion, of the present generation and the latest posterity, upon one uniform, steady, and consistent foundation.

the following of two or three
Divines of the Church of England, in support
of the propriety of a repeal of the Test and
Corporation Acts. Dr. ARTHUR ASHLEY
Sykes, a divine of distinguished abilities
and worth, published, in 1736, a piece, entitled,
The Reasonableness of applying for the Re-
peal or Expunction of the Corporation and
Test Acts, as indispensably considered. In this
tract Dr. Sykes says, The Protestant Dissenters
are known to be zealous, and as sincere
subjects to the King as any other subjects in
his Majesty's dominions; and he therefore
concludes, that no other test ought to be re-
quired of them, on their being admitted to
places of trust and power, but the oath of al-
legiance and supremacy, and the declaration
against Popery. This tract was one of the
The same year Dr. Sykes also published a
 pamphlet, entitled, The Corporation and Test
Acts, shewing to be of no importance to the
Church of England. In this piece Dr.
Sykes's pamphlet was published without Dr. Sykes's
name; but it is ascribed to him by the Rev. Dr.
Dimes, in his account and valuable life of him, pub-
lished in 1735.
The Reasonableness of applying for the Repeal, &c.
This also was published without Dr. Sykes's name,
but is likewise ascribed to be his, by Dr. Dimes.
Sykes

TO the preceding Treatise of Bishop Hoadley's, it may not be improper here to subjoin the testimonies of two other eminent and learned Divines of the Church of England, in support of the propriety of a Repeal of the Test and Corporation Acts. Dr. ARTHUR ASHLEY SYKES, a clergyman of distinguished abilities and worth, published, in 1736, a piece, entitled, 'The Reasonableness of applying for the Repeal or Explanation of the Corporation and Test Acts impartially considered'. In this tract Dr. Sykes says, 'The Protestant Dissenters are known to be as hearty, and as sincere subjects to the King as any other subjects in his Majesty's dominions'; and he therefore contends, that no other test ought to be required of them, on their being admitted to places of trust and power, but the oaths of allegiance and supremacy, and the declaration against Popery.

The same year Dr. Sykes also published a pamphlet, entitled, 'The Corporation and Test Acts shewn to be of no Importance to the Church of England'. In this piece Dr.

^f This pamphlet was published without Dr. SYKES's name; but it is ascertained to be his by the Rev. Dr. DISNEY, in his accurate and valuable life of him, published in 1785.

^g The Reasonableness of applying for the Repeal, &c. p. 19.

^h This also was published without Dr. Sykes's name, but is likewise ascertained to be his, by Dr. Disney.

Sykes says, 'The government of the Church by bishops is the same, and so it was long before the Test Act was made. The repeal of it does not destroy their seats in parliament, nor take away their baronies, nor deprive them of their jurisdiction; nor any ways affect them in their powers, or properties, or persons. They are left exactly in the same state as they were both before this act was passed, and which they have been in ever since this act has existed. The inferior clergy are exactly the same; no ways touched in their persons, privileges, or properties. The church laity are the same, excepting that they will not be obliged to turn the sacrament of the Lord's Supper into any political tool, or make it an instrument applicable to uses, for which our Lord and Saviour never intended it. Dissenters, indeed, will be helped; an *incapacity* to them will be removed: but is this a change of constitution in either church or state, more than the repeal of any present act of parliament makes, which gives an ease or help to any particular persons whatever? The constitution of the church is the same now, that it was before the Test Act passed; and so it would be still were the Test repealed, unless it be said to be altered by every act of parliament that passes in relation to the church. And if this may be admitted, then the constitution of the church has been altered three score times within these three score years; and still the church subsists, and flourishes, and has received no damage by such changes'. At the

The Corporation and Test Acts shewn to be of no importance to the Church of England, p. 34, 35.

close of this piece, he says, "And now I leave the reader to judge, whether the sacramental test be of any importance either to church or state; whether it be not a real prejudice to Christianity itself; and whether that which is prejudicial to Christianity can be of importance to the Church of England. Or if one considers the state distinct from the church, it is an injury to take away men's rights, which they have never forfeited; it is weakening the state itself, it is a hardship put upon the government, and no one single good can possibly be obtained to the state by it. The continuance, therefore, of such a test has much evil, and no good. It is a real damage to Christianity, and a grief to all its most serious professors."

The reverend and learned Mr. PALEY, Archdeacon of Carlisle, in his "Principles of Moral and Political Philosophy," makes the following observations: "Toleration is of two kinds: the allowing to Dissenters the unmolested profession and exercise of their religion, but with an exclusion from offices of trust and emolument in the state, which is a *partial* toleration; and the admitting them, without distinction, to all the civil privileges and capacities of other citizens, which is a *complete* toleration. The expediency of toleration, and consequently the right of every citizen to demand it, as far as relates to liberty of conscience, and the claim of being protected in the free and safe profession of his

* The Corporation and Test Acts shewn to be of no Importance to the Church of England, p. 71, 72.

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religion, is deducible from the second of those propositions, which we have delivered as the grounds of our conclusions upon the subject.

That proposition asserts truth, and truth in the abstract, to be the supreme perfection of every religion. The advancement, consequently, and discovery of truth, is that end to which all regulations concerning religion ought principally to be adapted. Now, every species of intolerance which enjoins suppression and silence, and every species of persecution which enforces such injunctions, is adverse to the progress of truth; forasmuch as it causes that to be fixed by one set of men, at one time, which is much better, and with so much more probability of success, left to the independent and progressive enquiries of separate individuals. Truth results from discussion and from controversy: it is investigated by the labours and researches of private persons. Whatever therefore prohibits these, obstructs that industry and that liberty which it is the common interest of mankind to promote.

The confining of the subject to the religion of the state, is a needless violation of natural liberty, and in an instance in which constraint is always grievous. Persecution produces no sincere conviction, nor any real change of opinion. On the contrary, it vitiates the public morals, by driving men to prevarication, and commonly ends in a gene-

¹ Principles of Moral and Political Philosophy, p. 578, 579. Second edit,

ral, though secret, infidelity, by imposing under the name of revealed religion, systems of doctrine which men cannot believe, and dare not examine.

When we examine the sects of Christianity, which actually prevail in the world, we must confess, that with the single exception of refusing to bear arms, we find no tenet in any of them, which incapacitates men for the service of the state. It has, indeed, been asserted, that discordancy of religions, even supposing each religion to be free from any errors that affect the safety or the conduct of government, is enough to render men unfit to act together in public stations. But upon what argument, or upon what experience, is this assertion founded? I perceive no reason why men of different religious persuasions may not sit upon the same bench, deliberate in the same council, or fight in the same ranks, as well as men of various or opposite opinions upon any controverted topic of natural philosophy, history, or ethics.

Principles of Moral and Political Philosophy, p. 580.
Ibid. p. 582.

F I N I S

